

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

262

CRM-M-7516 of 2020
Date of decision:04.08.2022

Manjeet and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. P.S. Chauhan, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Rahul Verma, Advocate for
Mr. Jagdeep Singh, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.135 dated 30.09.2019 registered under Sections 406, 498-A, 323, 354-A, 506 and 34 of Indian Penal Code, 1860 at Police Station Jatusana, District Rewari (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 14.02.2020 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioners No.2 and 3 are the parents-in-law of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 30.10.2017 and there is a male child out of the wedlock. Counsel submits that FIR (Annexure

P-1) is an outcome a trivial matrimonial dispute, which has been settled by compromise (Annexure P-2) and the parties are living together under one roof.

Upon instructions from ASI Ramniwas, State counsel submits that all the three petitioners were named as accused and on conclusion of investigation, challan has been presented and charge has been framed against them, but no prosecution witness has been examined.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 20.02.2020, this Court directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their statements in support of the compromise and a report was called for regarding the genuineness of the compromise as also as to whether PO proceedings are pending against any of them. Report has been received from the Trial Court and its relevant extract is as under:-

“So, in view of the statements made by the complainant Suman and accused persons namely Manjeet, Naresh and Suman wife of Naresh, I am of the opinion that the compromise had been arrived at between the parties voluntarily, without coercion and pressure.”

Although the Trial Court has not sent any report regarding pendency of PO proceedings, but State counsel has instructions to state that

none of the parties has been declared as Proclaimed Offender.

Considering the fact that criminal proceedings have essentially arisen out of a petty matrimonial dispute, which has been amicably settled and the parties are living together, prolonging the criminal proceedings would be futile.

Keeping in view the above development, report of the Trial Court and judgment of the Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court has no hesitation in quashing the impugned FIR.

Accordingly, the petition is allowed. FIR No.135 dated 30.09.2019 registered under Sections 406, 498-A, 323, 354-A, 506 and 34 of Indian Penal Code, 1860 at Police Station Jatusana, District Rewari (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua the petitioners.

August 04, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes